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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SARA WALKER,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

Case No.: 2:24-cv-01588-CSK

STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURUSANT TO THE EQUAL
ACCESS TO JUSTICE ACT; ORDER

The parties, through their respective counsel, hereby agree that the position of the United States in this matter was not substantially justified, and as such, attorney fees in the amount of \$2,000 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 and costs of \$0, pursuant to 28 U.S.C. § 1920. Such attorney fees shall be subject to verification that Plaintiff has no debt which qualifies for offset, pursuant to the Treasury Offset Program as discussed in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010).

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees are not subject to any offset allowed under the Department of the Treasury's Offset Program, then the check or electronic funds transfer for EAJA fees shall be made payable to Plaintiff's attorney,

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1 Margaret Lehrkind, based upon Plaintiff's assignment of these amounts to her. *See* Exhibit –
2 Retainer Agreement. If Plaintiff has a debt, then any remaining funds after offset shall be made
3 payable to Plaintiff and mailed to counsel's address.

4
5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
6 attorney fees and expenses and does not constitute an admission of liability on the part of
7 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
8 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
9 EAJA attorney fees and expenses in connection with this action.

10
11 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
12 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

13
14 DATE: August 8, 2024

Respectfully submitted,

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16 Lehrkind Law Office, P.C.

17
18 By: /s/ Margaret Lehrkind
Margaret Lehrkind
Attorney for Plaintiff

19
20 DATE: August 8, 2024

By: /s/ Justin Lane Martin*
JUSTIN LANE MARTIN
*As authorized via email on August 7, 2024
Special Assistant United States Attorney
Attorney for Defendant

21
22
23 **ORDER**

24
25 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act
26 Fees and Expenses (the "Stipulation"), **IT IS ORDERED** that fees and expenses in the amount
27 STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND
28 EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; ORDER - 2

of TWO THOUSAND DOLLARS and 00/100 (\$2,000) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: August 9, 2024



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

3, walk.1588

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EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; ORDER - 3